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AFFYMETRIX, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AFFYMETRIX, INC., a Delaware corporation,

Plaintiff and Counterdefendant,

v.

MULTILYTE LTD., a British corporation,

Defendant and Counterclaimant.

Case No.: C-03-3779 WHA

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE BRIEFING AND
HEARING OF PROTECTIVE ORDER
ISSUE**

1 WHEREAS, a dispute between the parties has arisen out of the February 17, 2004
2 Stipulated Protective Order in this case;

3 WHEREAS, according to the Order Approving Stipulated Protective Order Subject to
4 Stated Conditions, paragraph 6, the Court retains jurisdiction over disputes arising from the
5 proposed and stipulated protective order for 45 days after final termination of the action;

6 WHEREAS, the parties have been working diligently in an effort to resolve this dispute to
7 the satisfaction of all affected parties;

8 WHEREAS, despite numerous and extensive negotiations and discussions, the parties have
9 been unable to resolve their dispute; and

10 WHEREAS, a Heller Ehrman attorney who may be personally impacted by the resolution of
11 this dispute is unavailable to participate in the resolution of this matter until August 8, 2005;

12 THEREFORE, by and through their respective undersigned counsels, the parties hereby
13 stipulate that their protective order dispute shall be briefed and heard by the Court according to the
14 following schedule:

- 15 • counsel for Multilyte Ltd. shall file an opening brief on August 11, 2005;
- 16 • counsel for Affymetrix, Inc. shall file a responsive brief on August 18, 2005;
- 17 • counsel for Multilyte shall file a reply brief on August 23, 2005; and
- 18 • the matter shall be heard by the Court on ~~September 1, 2005~~ ^{September 8, 2005} at 8:00 a.m.

19 IT IS SO STIPULATED.

20 DATED: July 26, 2005

HELLER EHRMAN LLP

21 By s/ Christine Saunders Haskett

22 Christine Saunders Haskett

23 Attorneys for Defendant and Counterclaimant
MULTILYTE, LTD.

24
25 DATED: July 26, 2005

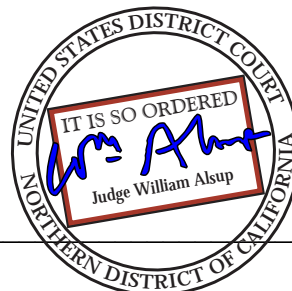
AFFYMETRIX, INC.

26 By s/ George C. Yu

27 George C. Yu

28 Attorneys for Plaintiff and Counterdefendant
AFFYMETRIX, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.



DATED: August 1, 2005

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE